



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Offic

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

AS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/132,746 08/12/98 YAMAMOTO

H 35-C12902

005514 IM62/0911
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NEW YORK NY 10112

EXAMINER

GUARRIELLO, J

ART UNIT

PAPER NUMBER

1771

DATE MAILED:

09/11/00

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
09/132746	Yamamoto et al.
Examiner	Group Art Unit
<i>John Giannella</i>	

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- Responsive to communication(s) filed on 4/11/2008, 6/9/2008.
- This action is FINAL.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- Claim(s) 1-64 is/are pending in the application.
- Of the above claim(s) 1-17, 31-41, 54-64 is/are withdrawn from consideration.
- Claim(s) _____ is/are allowed.
- Claim(s) 18-30, 42-53 is/are rejected.
- Claim(s) _____ is/are objected to.
- Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on _____ is approved disapproved.
- The drawing(s) filed on _____ is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All Some* None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) _____.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- Information Disclosure Statement(s), PTO-1449, Paper No(s). #7 Interview Summary, PTO-413
- Notice of Reference(s) Cited, PTO-892 Notice of Informal Patent Application, PTO-152
- Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

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DETAILED ACTION

15. Examiner acknowledges papers # 10-12, change of address, extension of time and the affirmation of the restriction requirement, of 4/11/2000; and 6/9/2000 respectively for the latter two papers # 11 and 12.
16. Examiner acknowledges the affirmation of the restriction and the traversal. The examiner will join Groups II and III along with claims 18, 19, and 42 for the examination, thus the claims under examination are 18-30, 43-53. Group I remains as the non-elected claims, now 1-17, 31-41 and 54-64, and are withdrawn from examination especially since there is no traversal of the method claims, restriction is made final for reasons of record with the exception, claims 18, 19, and 42 for examination noted above in this paragraph.
17. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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18. Claims 18, 19 and 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 18, it is not clear what the correct dependency is since this is a product claim dependent upon a non-elected process claim, clarify.

In claim 19, it is not clear what the fibrous materials of claim 18 are since they are not identified and claim product claim 18 is dependent upon a process claim, clarify.

In claim 42, it is not clear what the correct dependency is since this is a product claim dependent upon a non-elected process claim, clarify.

19. The use of the trademarks "Acetylenol E-H" and "Surfonyl 465", page 15, lines 24-26, page 19, line 15, page 20, line 21 and any other places stated in the specification have been noted in this application. They should be capitalized wherever they appear and be accompanied by the generic terminology.

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Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

20. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 18 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Ujita et al. 5,748,088.

Ujita teaches an ink absorbing member or element which can hold inkjet ink and is fibrous which is contained in an ink cartridge, (see abstract).

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Ujita teaches that the fibrous material is a bundle of fibers through which the ink can pass, (column 10, lines 29-66). Ujita teaches the essential limitations of the claimed invention. Claims lack novelty.

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claims 20-30, 42-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ujita et al. 5,784,088 in view of Koitabashi et al. 5,509,140.

Ujita teaches an ink absorbing member or element which is a fibrous material, bundler of fibers, which is contained in an ink cartridge, (see abstract). Ujita teaches the ink absorbing member or element is used in an ink jet cartridge which is fibrous and can be made of thermoplastic materials like polyester, nylon, polypropylene, polyethylene, polyurethane and others,

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(column 10, lines 44-65). Ujita teaches that a standard for wetting property is the use of a hydrophilic material to enhance the ink contact angle, (column 10, lines 64-67; column 11, lines 1-4). Ujita teaches the use of the ink absorbing member in a cartridge with an ink jet apparatus, (column 12, lines 15-64). Ujita differs from the claimed invention because it is silent about the use of glycol with ethylene oxide is applied to the thermoplastic resin.

Koitabashi teaches ink jet cartridges used for ink jet printers with an ink absorbing material which can be made from any material like fibers and can have properties of absorption for ink jet ink, (column 10, lines 61-67; column 11, lines 49-55). Koitabashi teaches that the surface tension of ink in a cartridge can be controlled by a surfactant like acetylene glycol ethylene oxide, (column 36, lines 56-57; column 38, lines 40-66; column 39, lines 1-60). Koitabashi teaches that the surface tension is related to the wettability between the absorbing material and the ink, and this is improved by the use of surfactant like ethylene glycol ethylene oxide, (column 38, lines 50-51).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the teachings of Koitabashi regarding surfactants, like acetylene glycol ethylene oxide, and the use of them to improve wettability between the ink and the ink absorbing member in an ink jet ink cartridge to modify Ujita regarding the ink absorbing member in the ink jet cartridge with the acetylene glycol ethylene oxide of Koitabashi motivated with the expectation that this would be an improvement in the ink transfer properties of the ink absorbing member as noted above.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Guarriello whose telephone number is (703) 308-3209. The examiner can normally be reached on Monday to Friday from 8 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (703) 308-2414. The

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fax phone number for the organization where this application or proceeding is assigned is (703) 305-5408.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


John J. Guarriello:gj
Patent Examiner

September 8, 2000


ELIZABETH M. COLE
PRIMARY EXAMINER